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28 September 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Senate Foreign Relations Committee Request for
Director's Testimony re Cuba

1. This afternoon I received a call from Carl Marcy, Chief of Staff, Senate Foreign Relations Committee, who said Senator Frank Church (D., Idaho), Chairman of the Western Hemisphere Affairs Subcommittee, would like to hear from the Director, along with representatives from Defense Department and State Department, on the Cuban situation,

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[redacted] He said he had already called Dave Abshire, Assistant Secretary of State for Congressional Relations, about the matter and we might wish to coordinate with Abshire. He said they tentatively plan the hearing for Wednesday afternoon, 30 September, and would like all the evidence [redacted] Marcy said Senator Church was particularly concerned "not to be caught short this time." He said he realized the Director generally did not like to appear with other agencies and might wish to be scheduled separately. I told Marcy I would check with the Director and be in touch with him.

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2. After reporting the foregoing to the Director, and on his instructions, I met later in the day with Mr. Marcy and said that Senator Church's request was causing us serious problems. I pointed out that we had been responsive to requests from Chairman Fulbright, but appearances before subcommittees raised a different problem. Marcy asked if we ever appeared before a subcommittee and I recalled we had appeared before Senator Gore's Subcommittee on Disarmament. However, I noted that on that occasion we raised the question of establishing a precedent and were told that we shouldn't worry, that this was a special case and it would not be cited as justification before subcommittees in the future. I said I thought if pressed on the matter, the Director would

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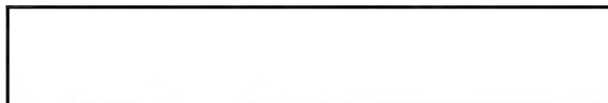
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have to raise it with Senator Russell. I went on to say it seemed to me the significance of the [] matter was largely political since the facts were fairly simple and were well known throughout the intelligence community. I said that therefore from both the substantive and jurisdictional standpoints, I thought the State Department would be the proper place for Senator Church to go for his answers.

3. Mr. Marcy seemed to accept my comments about establishing a precedent, and said while he couldn't tell Senator Church that we had never appeared before a subcommittee, he would say that we were strongly opposed to "broadening the precedent" of appearing before subcommittees. He also confided that he was "annoyed" that Senator Church had raised the issue in this fashion at this time, since Senator Church was "running for President like Birch Bayh and those other fellows."

4. Mr. Marcy said he would do what he could to get us off the hook and let me know.

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JOHN M. MAURY
Legislative Counsel

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